

REMARKS

Claims 2-28 and 30-38 are all the claims pending in the Application, as claims 32-38 are hereby added to more fully define the current invention.

Comments Regarding the Advisory Action

In the August 29, 2003 Advisory Action, the Examiner has again indicated that "the scope and meaning of pseudo land portion remains unclear." Applicant respectfully disagrees. The instant Application explains in great detail what a "pseudo land portion" is. The claims recite this "pseudo land portion" *verbatim*, and describe many of its structural features.

In any event, it has long been held that an Applicant can be his own lexicographer, and that he may define the invention in any terms he chooses so long as the terms are not used in ways that are contrary to accepted meanings in the art. MPEP § 2173.01. Thus, Applicant respectfully submits that "pseudo land portion" is clear and precise.¹

In regards to the Examiner's indication that Applicant's traversal arguments with respect to EP '310 are unpersuasive, Applicant respectfully directs the Examiner to the claim language, rather than an analysis of the Application's drawings.

¹ Further, the Examiner has not provided any analysis as to *why* one of skill in the art would believe "pseudo land portion" to be unclear, as the MPEP suggests (MPEP § 2173.02). In contrast, the Examiner has merely provided conclusory accusations that "pseudo land portions" are unclear.

Claim 3 recites that a “pseudo-land portion [is] formed on another side of said circumferential groove” and that “the pseudo-land portion is arranged in the circumferential groove.” Thus, there must be a “pseudo-land portion” and a defined “groove,” and the “pseudo-land portion” must be “in” the groove.²

However, in EP ‘310, the only feature that defines any “groove” is the beveled acute angle corner portions 72, 81, 91, which are bordered by slant grooves and a circumferential groove. No other portions of the tread can reasonably be alleged to define the “groove.” As these portions define the “groove,” they cannot logically be in the “groove.” Thus, they cannot teach or suggest the recited “pseudo land portions.”

Further, although the Examiner compares the I-I section of FIG. 2a of the Application to the beveled acute angle corner portions 72, 81, 91 of EP ‘310, these sections are clearly different in the direction cutting off the section. Further, these sections clearly do not provide similar function (*i.e.*, direction of water into the slant grooves) as the recited “pseudo land portions,” and are located in an opposite configuration to that of the invention (with respect to the slant grooves).

Additionally, Claim 31 is believed to be allowable for at least the reasons discussed above. Further, claim 31 recites that “the pseudo-land portion is arranged adjacent to a first

² The Examiner’s analysis of FIG. 2a is incorrect. In this exemplary embodiment, the “groove” is defined by the side groove wall 8a, and the pseudo land portion is clearly shown “in” the “groove.”

groove wall of the circumferential groove not opened to the slant groove.” The Examiner has identified no “first groove wall,” and indeed there is no discrete “first groove wall” that is separate from but adjacent to the alleged “pseudo land portion.”

Statement of Substance of “Interviews”

The Examiner has included two Interview Summaries recording teleconferences held between the Examiner and Applicant’s representative on April 22, 2003 and August 26, 2003. The April 22, 2003 teleconference was conducted in an effort to ascertain the support for the Examiner’s 35 U.S.C. § 112 rejection of claim 1, no specific amendments were proposed and no arguments were made. The August 26, 2003 teleconference was conducted merely to ascertain the status of the Application, again no specific amendments were proposed and no arguments were made.

Interview record OK

Conclusion

Accordingly, it is respectfully submitted that claims 2-28 and 30-38 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 2-28 and 30-38.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.114(c)
U.S. Appln. No.: 09/674,039

Attorney Docket # Q59956

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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